

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BID PROTEST

_____)	
FMS INVESTMENT CORP., et al.,)	
)	
Plaintiff,)	
)	No. 19-308C
v.)	(Consolidated)
)	
UNITED STATES,)	(Judge Thomas C. Wheeler)
)	
Defendant.)	
_____)	

DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME

Pursuant to Rule 6(b) of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests a brief enlargement of time of two days, to and including June 19, 2019, to file a response to plaintiffs' motions for judgment upon the administrative record (ECF Nos. 104, 106, 107, and 108) and cross-motion for judgment upon the administrative record. The United States also seeks a corresponding two-day enlargement of time for the remainder of the briefing schedule, including plaintiffs' reply and response brief and the United States' reply brief. Pursuant to the Court's amended scheduling order, dated May 17, 2019 (ECF No. 99), the United States' response and cross motion is due June 17, 2019, plaintiffs' reply and response is due July 1, 2019, and the United States' reply is due July 10, 2019. Counsel for plaintiffs have indicated that they do not oppose this motion.

Undersigned counsel for the United States has been working diligently to prepare the United States' response and cross-motion for filing. Over the last several days, the United States and counsel for plaintiffs, Higher Education Loan Authority of the State of

Missouri and Granite Statement Management and Resources (collectively, MOHELA/GSMR), have conferred regarding the potential for alternative resolution of MOHELA's and GSMR's protest. The additional time requested will allow the parties to determine whether they can reach an agreement that will allow MOHELA/GSMR to withdraw their protest without further consideration by the Court. Because the outcome of such discussions may narrow the scope of the issues in these consolidated protests, it will necessarily affect the substance of our forthcoming response and cross-motion. Once the United States and MOHELA/GSMR have concluded discussions, counsel for the United States will need sufficient time to revise its response and cross-motion as necessary, confer with the agency regarding the revised response and cross-motion, and prepare and file the United States' response, following supervisory review.

For the foregoing reasons, the United States respectfully requests a brief enlargement of time of two days, to and including June 19, 2019, to file our response to plaintiffs' motions for judgment upon the administrative record and a corresponding enlargement of time for the remainder of the briefing schedule.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

OF COUNSEL:

TRACEY SASSER
Assistant General Counsel
United States Department of Education
Division of Business and Administrative Law

s/ Patricia M. McCarthy
PATRICIA M. MCCARTHY
Assistant Director

JANA MOSES
DAVID R. PEHLKE
Trial Attorneys
United States Department of Justice
Civil Division
Commercial Litigation Branch

s/ Alexis J. Echols
ALEXIS J. ECHOLS
Trial Attorney
United States Department of Justice
Civil Division
Commercial Litigation Branch
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 616-0463
Facsimile: (202) 307-2503
E-mail: alexis.j.echols@usdoj.gov

June 17, 2019

Attorneys for Defendant